

REMARKS

This Amendment is responsive to the Office Action mailed on April 17, 2006. Claims 1, 12, 26, 33, 38, and 51 are amended. Claims 1-57 are pending.

As a preliminary matter, Applicants would like to thank the Examiner for the courteous and productive telephone interview held on August 11, 2006, the details of which are set forth below.

Claims 1-50 are allowed.

Claims 51-57 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dumbeck (US 4,495,448).

Applicants respectfully traverse these rejections in view of the following comments.

Summary of Telephone Interview

On August 11, 2006 Applicants' undersigned counsel conducted a telephone interview with the Examiner, who has been newly assigned to this application. Applicants' counsel discussed with the Examiner the differences between Applicants' claimed invention as set forth in claim 51 and the disclosure of Dumbeck. The Examiner acknowledged the differences between Applicants' claim language and the disclosure of Dumbeck, and indicated that he would withdraw the rejection in view of Dumbeck after review and confirmation of Applicants' arguments once presented in a formal written response to the Office Action summarizing these arguments. Applicants' arguments regarding Dumbeck are set forth in detail below.

In reviewing Applicants' claim 51, the Examiner indicated that the claim language "positioning an electric motor to be tested for measurement on a stator side in a motor mount" was unclear, namely as to whether the "stator side" referred to a side of the motor or a side of the motor mount. Applicants' counsel indicated that the specification and Figures clearly showed the stator side as belonging to the motor and no stator in the motor mount. The Examiner indicated that claim 51 should be amended to clarify this issue, and any other claims with similar language should also be amended accordingly. Applicants' claims are amended herein in accordance with

the Examiner's requirement, as discussed in detail below.

Discussion of Amended Claims

Claims 1, 12, 26, 33, 38, and 51 are amended herein to clarify that the electric motor is mounted on a stator side of the electric motor in a motor mount. These amendments are made in accordance with the Examiner's requirement set forth in the August 11, 2006 telephone interview to clarify that the "stator side" belongs to the motor and not the motor mount.

Discussion of Dumbeck

Claims 51-57 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dumbeck. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Dumbeck does not meet the requirements for an anticipation rejection.

As discussed with the Examiner during the telephone interview, Applicants' claim 51 sets forth a method for measuring electric motors in which an electric motor to be tested for measurement is positioned on its stator side in a motor mount, and a voltage induced in the non-energized windings of the electric motor is measured with the rotor running freely. In other words, with Applicants' claimed invention, the induced voltage in the windings of the electric motor is measured without a voltage applied to the windings. For example, a voltage may be first applied to the windings so that the motor can be brought up to speed. Once the motor is brought up to speed, the voltage may then be turned off. Once the voltage is turned off, and while the rotor is running freely, the induced voltage in the windings is measured (see, e.g., Applicants' specification, page 25, first full para.).

As discussed with the Examiner, Dumbeck is directly contrary to Applicants' claimed invention. Dumbeck is directed towards testing motor characteristics when the motor is operating under specific line power from a suitable source (Col. 2, lines 50-53). Further, Dumbeck uses a

probe to sense stray magnetic flux escaping from the motor during rotor rotation when power is being applied (Col. 2, lines 59-60).

Accordingly, Dumbeck does not disclose or remotely suggest a measuring method for electric motors which measures a voltage induced in non-energized windings of the electric motor with the rotor running freely, as set forth in Applicants' claim 51. Dumbeck measures stray flux escaping from the motor rather than measuring the actual voltage induced in the windings. Further, this measurement of Dumbeck takes place while power is applied to the motor, and not while the rotor is running freely and the windings are non-energized.

During the telephone interview the Examiner acknowledged the foregoing differences between Applicants' claim 51 and Dumbeck, and indicated that the rejection based on Dumbeck would be withdrawn upon a review and confirmation of Applicants' written arguments in this regard.

As Dumbeck does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(b) are believed to be improper, and withdrawal of the rejections is respectfully requested. See, *Akamai Technologies Inc., supra*.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Dumbeck, taken alone or in combination with any of the other prior art of record.

Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



Douglas M. McAllister
Attorney for Applicant(s)
Registration No. 37,886
Lipsitz & McAllister, LLC
755 Main Street
Monroe, CT 06468
(203) 459-0200

ATTORNEY DOCKET NO.: HOE-794

Date: August 17, 2006